



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|--------------------------------------|---|-------------|
| APPLICANT: Stout & Appukuttan | § | ART UNIT: |
| | § | 1636 |
| FILED: December 19, 2001 | § | |
| | § | EXAMINER: |
| SERIAL NO.: 10/025,264 | § | Kaushal, S. |
| | § | |
| FOR: Lentaviral Vector Mediated Gene | § | DOCKET: |
| Transfer and Uses Thereof | § | D6124 |

MS Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

In response to the Restriction Requirement mailed July 29, 2003 for the above-referenced patent application, Applicants provisionally elect Group VI, claims 5-10, drawn to a method of inhibiting intraocular neovascularization in an individual having age-related macular degeneration by administering a lentiviral vector comprising a therapeutic gene, with traverse. Further, Applicants elect the fusion protein of Mig and IP10 without traverse.

In reasons for the Restriction Requirement, the Examiner states that age-related macular degeneration, proliferative diabetic retinopathy, retinopathy of prematurity and glaucoma are diseases

of different origin developed by different means that require different site of action to cure such anomalies. Although the Examiner's statement is certainly accurate, the method recited in claims 5-10 are not drawn to treating these diseases *per se*, but rather to inhibiting intraocular neovascularization in an individual having an ocular disease. All the ocular diseases identified in claim 6, regardless of etiology, exhibit neovascularization which ultimately leads to blindness and, as such, neovascularization is treated in each by the gene therapeutic method disclosed in the instant application.

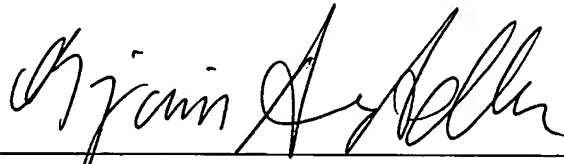
Thus, Applicants submit that the search is to methods of inhibiting intraocular neovascularization in any ocular disease using gene therapy and that such a search would necessarily disclose prior art to any specific ocular disease exhibiting a neovascularization component. This search should not unduly burden the Examiner, particularly in that the classification of all Groups VI-X, each drawn to a specific disease, are identical. Additionally, the search is less burdensome in view of the species election to a specific gene. Accordingly, Applicants respectfully request that Groups VII-X be rejoined with group VI while maintaining the species election.

Applicants include a Petition for a One-Month Extension of Time. Please debit the \$55 petition fee under 37 C.F.R. 1.17(a), or any additional fees, from Deposit Account 07-1185.

Respectfully submitted,

Date: _____

Sept 29, 2003



Benjamin Aaron Adler, Ph.D., J.D.
Registration No. 35,423
Counsel for Applicant

ADLER & ASSOCIATES
8011 Candle Lane
Houston, Texas 77071
(713) 270-5391 (tel.)
(713) 270-5361 (facs.)
badler1@houston.rr.com